

*134
Cancelled*

126. The covering of claim 94 wherein the second plane is lower than the first plane by substantially 50% of the thickness of the structure.

REMARKS/ARGUMENTS

Election/Restriction

Applicant hereby responds to the Office Action mailed September 24, 2001. The Examiner withdrew claims 15-93 from consideration. Applicant wishes to proceed with the claims to a "covering" for a device. However, as correctly appreciated by the Examiner in his original restriction requirement mailed July 3, 2001, the subcombination of a covering may have separate utility, such as a hernial repair patch. Certain of the dependent claims, as now presented, further add a device. It is believed that the claims as presently pending should be considered together.

Drawings

Applicant believes that the identified claims are fully supported in the application as originally filed. For example, Figs. 2 and 9 include a structure 48/108 which is shown in cross-sectional detail in Fig. 10. The structure meets the limitations of the independent claims 1 and 13 and consists of a nested geometric structure (claims 3 and 7) and comprises nested hexcels (claims 4 and 8). Accordingly, all of the features of the claims are supported by the drawings.

Art Based Rejections

The main reference relied upon by the Examiner, Hamas, is easily distinguishable from the claims. Hamas discloses a integrated implant device having projecting prongs. Significantly, however, the attached prongs and external covering are integrated with the underlying device. Applicants claims now include the limitation that the covering is "separated from and unattached to the said device". There is no teaching or suggestion in Hamas of such physical detachment. As one

example of such detachment, Figures 1 and 2 clearly show the covering as being unattached to the underlying device. As such, the claims are free of the art.

Applicant would request that the undersigned be contacted by telephone if any matter remains regarding the allowability of these claims.

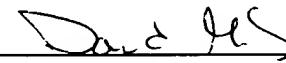
Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Prompt and favorable action on the merits of the claims is earnestly solicited. If any minor issues remain, please contact Applicants' undersigned representative at 949-567-2300.

Respectfully submitted,

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“Version with markings to show changes made”

In the claims:

The claims have been amended as follows:

Claim 1 (Amended) A covering for an implantable device comprising

a first surface, the first surface being non-textured, and

a second surface having ridges and valleys characterized in that the covering is separated from and unattached to the said device.

Claim 5 (Amended) An implantable device covering comprising:

a sheet of flexible material having first and second surfaces,

the first surface being flat,

the second surface having peaks and troughs and being adapted to interface with body tissues characterized in that the covering is separated from and unattached to the said device.

Claim 13 (Amended) An implantable device covering comprising:

a sheet of flexible material having first and second surfaces,

the first surface being less-textured than the second surface,

the second surface being textured and having first and second planar surfaces, the first and second planar surfaces being in non-coplanar relation characterized in that the covering is separated from and unattached to the said device.

The following new claims have been added:

94. The covering of claim 1 wherein the ridges and valleys have a plurality of regions of varying heights, the tallest regions having a substantially planar upper surface, the planar surface defining a first plane, and the lowest regions defining a second plane, where the second plane is non-coplanar with the first plane.

95. The covering of claim 1 wherein the second surface comprises a pattern.

96. The covering of claim 95 wherein the pattern is predictable.

97. The covering of claim 95 wherein the pattern is repetitive.

98. The covering of claim 95 wherein the pattern is uniform.

99. The covering of claim 95 wherein the surface includes a plurality of hexcels.

100. The covering of claim 99 wherein the hexcels comprise nested hexcels.

101. The covering of claim 95 wherein the pattern includes geometric patterns.

102. The covering of claim 101 wherein the geometric pattern includes squares.

103. The covering of claim 101 wherein the geometric pattern includes circular patterns.

104. The covering of claim 94 wherein the lateral widths of the ridge regions and the valley regions differ.

105. The covering of claim 1 wherein the lateral width of the ridge regions is less than the width of the valley regions.

106. The covering of claim 1 wherein the ridges and valleys include planar regions and the ratio of the height of the second plane to the first plane measured relative to the first side is substantially 90% or less.

107. The covering of claim 106 wherein the ratio of the height of the second plane to the first plane measured relative to the first side is substantially 80% or less.

108. The covering of claim 106 wherein the ratio of the height of the second plane to the first plane measured relative to the first side is substantially 70% or less.

109. The covering of claim 106 wherein the ratio of the height of the second plane to the first plane measured relative to the first side is substantially 50%.

110. The covering of claim 1 wherein the covering is a laminated structure.

111. The covering of claim 110 wherein the covering is a multi-laminate structure.

112. The covering of claim 1 wherein the top surface of the ridge regions is substantially parallel to the surface of the valley regions.

113. The covering of claim 1 wherein the second surface is arranged to stimulate high tissue ingrowth.

114. The covering of claim 1 wherein the second surface is arranged to disorganize scar tissue.

115. The covering of claim 1 wherein the lowest region of the second surface comprises a fabricated surface.

116. The covering of claim 1 further including a device for implantation in the body, wherein the covering is disposed adjacent the device.

117. The covering of claim 116 wherein the second surface is oriented away from the device.

118. The covering of claim 116 wherein the second surface is oriented toward from the device.

119. The covering of claim 116 wherein the device is a prosthetic device.

120. The covering of claim 119 wherein the prosthetic device is an implant.

121. The covering of claim 119 wherein the implant is a gel filled implant.

122. The covering of claim 1 wherein the pattern includes a plurality of parallel wells.

123. The covering of claim 94 wherein the second plane is lower than the first plane by at least 7% of the thickness of the structure.

124. The covering of claim 94 wherein the second plane is lower than the first plane by at least 17% of the thickness of the structure.

125. The covering of claim 94 wherein the second plane is lower than the first plane by at least 27% of the thickness of the structure.

126. The covering of claim 94 wherein the second plane is lower than the first plane by substantially 50% of the thickness of the structure.